

**State of California, State Water Resources Control Board**

**Division of Water Rights**

**P.O. Box 2000, Sacramento, CA 95812-2000**

Info: (916) 341-5300, FAX: (916) 341-5400 Web: <http://waterrights.ca.gov>

**S002855**

**2005, 2006, 2007**

**SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FORM**

**Owner(s) of Record:**

V H COSTELLO; CLAIRE COSTELLO

Notifying the Division of Water Rights of ownership or address changes is the responsibility of the claimant

Please Complete and Return This Form by JULY 1, 2008

**Primary Contact:**

V H COSTELLO  
1793 BRANDON ST  
OAKLAND, CA 94611

**Agent:**

Address:

**Phone No.**

Phone No.

**Fax No.**

Fax No.

**E-mail Address:**

E-mail Address:

**Source Name:** ST HELENA CREEK

**Tributary To:**

County: Lake

**Diversion within:** NE 1/4 of SW 1/4 Section 23, T 10 N, R 7 W, MDB&M

**Year of First Use:** 1961

**Name of Diversion works:**

**Assessor Parcel Number  
of the Diversion site:**

A. **Water is Used Under:** Riparian claim ☒ Pre-1914 claim ☐ Court Decree No.:  Other (explain):

B. **Year of First Use:** (Please provide if missing in the Division of Rights database (ewrims)) 1961

C. **Rate of Diversion:** The rate of diversion of water for each month used and entered in the table below is shown in units of:  
Gallons per minute (gpm)  Gallons per day (gpd)  Cubic feet per second (cfs)

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Average Rate
2005													
2006													
2007													

D. **Quantity of Water Used:** The quantity of water used each month and entered in the table below is shown in units of:  
Gallons  Million Gallons (MG)  Acre-feet (AF)

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
2005	9000	9000	9000	9000	9000	9000	9000	9006	9000	9000	9000	9000	108000
2006	"	"	"	"	"	"	"	"	"	"	"	"	"
2007	"	"	"	"	"	"	"	"	"	"	"	"	108000

E. **Purpose of Use** – Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation  acres; Stockwatering ; Domestic FAMILY (6)

Other (specify)

Parcel Number(s) of Place of Use:

F. **Changes in Method of Diversion** – Describe any changes in your project since your previous statement was filed.  
(New pump, enlarged diversion dam, location of diversion, etc.)

G. Please answer only those questions below which are applicable to your project.

1. Conservation of water

a. Are you now employing water conservation efforts? YES ☐ NO ☒  
Describe any water conservation efforts you have initiated:

b. If you are claiming credit for water conservation under section 1011 of the Water Code for your claimed pre-1914 appropriative right, please show the amount of water conserved:

Reduction in Diversions:

Year  (AF/MG) Year  (AF/MG) Year  (AF/MG)

Reduction in consumptive use:  
Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to conservation efforts. YES \_\_\_\_\_ NO \_\_\_\_\_

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES \_\_\_\_\_ NO \_\_\_\_\_.
- b. If you are claiming credit due to the substitution of reclaimed water, desalinated water or polluted water in lieu of a claimed pre-1914 appropriative right under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of substitute water supply used:

Amount of reduced diversion:  
Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

State the type of substitute water supply: \_\_\_\_\_

Amount of substitute water supply used:  
Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to the use of a substitute water supply. YES \_\_\_\_\_ NO \_\_\_\_\_.

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES \_\_\_\_\_ NO \_\_\_\_\_.
- b. If you are claiming credit due to the substitution of groundwater for a claimed pre-1914 appropriative right under section 1011.5 of the Water Code, please show the amounts of groundwater used:  
Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)  
I have data to support the above surface water use reductions due to the use of groundwater. YES \_\_\_\_\_ NO \_\_\_\_\_.

I understand that it may be necessary to document the water savings claimed in "F" above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: 8-13-08, 2008 at Oakland, CA, California

SIGNATURE: \_\_\_\_\_

PRINTED NAME: CHAY (first name) R. (middle initial) COSTELLO (last name)

COMPANY NAME: \_\_\_\_\_

ITEM \_\_\_\_\_ If there is insufficient space for your answers, please use the space provided below or add an attachment sheet.  
CONTINUATION

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other "foreign" water to the natural stream system.

An appropriative right is required for use of water on non-riparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. After the formation of the California Water Commission back on December 19, 1914, new appropriators have been required to obtain a permit and license from the State. Appropriative rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

P.O. BOX 2000 SACRAMENTO, CA 95812-2000  
(916) 657-1875

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER OF RECORD:

STATEMENT NO: 002855

V H & CLAIRE COSTELLO  
1793 BRANDON STREET  
OAKLAND, CA 94611

TELEPHONE NUMBER:

(510) 655-1258

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: ST HELENA CREEK

TRIBUTARY TO: PUTAH CREEK

COUNTY: LAKE

YEAR OF FIRST USE: 1961

DIVERSION

WITHIN: NE1/4 OF SW1/4 SECTION 23, T10N, R07W, MDB&M.

COMPLETE AND RETURN THIS FORM BY JULY 1, 1994.

A. Water is used under: Riparian claim ☒; Pre 1914 right \_\_\_\_\_; Other (explain) \_\_\_\_\_

B. Year of first use (Please provide if missing above) \_\_\_\_\_

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☐ Acre-feet ☐ (other) \_\_\_\_\_

JAN. FEB. MAR. APR. MAY JUNE JULY AUG. SEPT. OCT. NOV. DEC. TOTAL ANNUAL

1991	X	X	X	X	X	X	X	X	X	X	X	X	?
1992	X	X	X	X	X	X	X	X	X	X	X	X	?
1993	X	X	X	X	X	X	X	X	X	X	X	X	?

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.  
Irrigation NONE acres; Stockwatering NONE; Domestic 2 PERSONS PARTTIME  
Other (specify) \_\_\_\_\_

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

NONE

F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

NONE

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: March 6, 1994, at Oakland, California

Signature: Claire Costello

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Statements of water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

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"Statements of Water Diversion and Use"

"Information Pertaining to Water Rights in California"

"Water Rights for Stockponds Constructed Prior to 1969"

"Appropriation of Water in California"

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RIGHTS BOARD

STATEMENT OF WATER DIVERSION AND USE

S2855

This statement should be typewritten or legibly written in ink.

- A. Name of person diverting water VINCENT H. /CLAIRE COSTELLO  
Address ( MAILING ) 1793 BRANDON ST., OAKLAND, CAL 94611
- B. Name of body of water at point of diversion ST. HELENA CREEK  
Tributary to \_\_\_\_\_
- C. Place of diversion 1/4 1/4 Section 23, Township 62, Range 03-11, 13-28 B&M,  
LAKE County, or locate it on sketch of section grid on reverse side with regard to section lines or  
prominent local landmarks. 10N 7W
- D. Name of works \_\_\_\_\_
- E. Capacity of diversion works \_\_\_\_\_ cubic feet per second  
Capacity of storage reservoir \_\_\_\_\_ gallons per minute  
State quantity of water used each month in gallons or acre-feet  
gallons  
acre-feet
- | Year | Jan. | Feb. | Mar. | Apr.  | May   | June  | July  | Aug.  | Sept. | Oct.  | Nov.  | Dec. | Total Annual |
|------|------|------|------|-------|-------|-------|-------|-------|-------|-------|-------|------|--------------|
|      |      |      |      | 2,000 | 2,000 | 5,000 | 9,000 | 9,000 | 9,000 | 5,000 | 2,000 |      | 43,000 GALS  |
- If monthly and annual use are not known, check months in which water was used. State extent of use in units, such as  
acres of each crop irrigated, average number of persons served, number of stock watered, etc. DOMESTIC USE  
4 ACRES IRRIGATION OF TREES, GRAPE VINES, VEGETABLES AND FIRE PREV
- Maximum annual water use in recent years 43000 gallons  
Minimum annual water use in recent years 20000 gallons  
Type of diversion facility: gravity \_\_\_\_\_, pump X  
Method of measurement: weir \_\_\_\_\_, flume \_\_\_\_\_, electric power meter \_\_\_\_\_, water meter \_\_\_\_\_, estimate X
- F. Purpose of use (what water is being used for) IRRIGATION SEE ABOVE
- G. General description or location of place of use (use sketch of section grid on reverse side if you desire)  
SEE REVERSE
- H. Year of first use as nearly as known 1961
- I. Name of person filing statement VINCENT H. COSTELLO  
Position OWNER Organization \_\_\_\_\_  
Address MIRABEL TRACT MIDDLETOWN CALIF
- I certify that the foregoing statement is true and correct to the best of my knowledge and belief.
- Date signed JULY 1, 1967 Signature Vincent H. Costello

See Instructions on Reverse Side